

### REMARKS

Claims 80-91 are pending in this application. Claims 61-79 have been canceled without prejudice and claims 1-60 were previously canceled. Claims 80-91 are new.

Canceled claims 64 and 72-79 were rejected as being indefinite. Claims 61, 63-66 and 72-75 were rejected as being anticipated by Marcus. Claims 61-66, 72-75 and 78 were rejected as being anticipated by Cain. Claims 66-71 were rejected as being obvious over Cain. Claims 67-71, 76 and 77 were rejected as being obvious over Marcus in view of Negus. The canceled claims were also provisionally rejected over 09/614,991, 09/698,639, 09/699,150, 10/008,997, and 10/006,064.

### Discussion

New independent claim 80 is allowable over Marcus, Cain and Negus ("cited references") since the cited references do not disclose or suggest the recited combination of an ablating device having a plurality of ablating elements emitting focused ultrasound and a control system which controls the ablating device in the claimed manner. As such, Applicants submit that new independent claim 80 is allowable over the cited references.

Dependent claims 81-91 are allowable since they depend from allowable independent claim 80 and because they recite independently patentable features.